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HW

PTO/SB/61 (10-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: BRUCE FORSBERG

Art Unit: 3724

Application Number: 10/642,817

Examiner: STEPHEN CHOI

Filed: AUGUST 19, 2003

Title: CANDLE WICK MAINTENANCE INSTRUMENT

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ 250<sup>00</sup> (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/16/2005 LWONDTH1 00000032 10642817

250.00 DP

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11/16/2005 TBSHHH1 00000000 10642817

250.00 DP

01 FC:2402

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

## **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Bruce Forsberg  
Signature

11/7/05  
Date

BRUCE FORSBERG  
Typed or printed name

Registration Number, if applicable

134 BUTCH CASH RD  
Address

256-828-6711  
Telephone Number

HAZEL GREEN AL 35750  
Address

Enclosure ☒ Fee Payment

☒ Reply SEE COVER LETTER

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

## **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/8/05  
Date

Bruce Forsberg  
Signature

BRUCE FORSBERG  
Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Bruce Forsberg  
Signature

11/7/05  
Date

BRUCE FORSBERG

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED COVER LTR

DUE TO THE TIMING OF THE MAILINGS, DELIVERIES OF THE MAIL SERVICES, UNFAMILIARITY WITH THE RULES, REGULATIONS AND PROCESSES WHICH SLOWED THE RESPONSE TIME, UNCERTAINTY OF WHAT APPEARED TO BE CONFLICTING INFORMATION AND THE FORMULATION OF A RESPONSE REQUIRED TO ANSWER THE REQUEST FOR ADDITIONAL INFORMATION AS PER CITED REGULATIONS, THE REPLY TO MEET THE SHORTENED STATUTORY PERIOD FOR REPLY WAS UNAVOIDABLY DELAYED.

(Please attach additional sheets if additional space is needed.)

Date: November 7, 2005

Applicant Bruce Forsberg

Appl. No. 10/642,817

Filed 8/19/2003

Title: Candle wick maintenance instrument

Honorable Commissioner for Patents

Washington DC 20231

### Petition to Revive

Sir,

Thank you for your response dated September 26, 2005. Being a small entity and not familiar with the processes and procedures required in patenting and invention, I greatly appreciate the effort to provide assistance. In view of the previous correspondence, please accept this petition to revive an application for patent that was unavoidably abandoned. Due to the timing of the mailings, deliveries of the mail services, unfamiliarity with the rules, regulations and processes which slowed the response time, uncertainty of what appeared to be conflicting information, and the formulation of a response required to answer the request for additional information as per cited regulations, the reply to meet the shortened statutory period for reply was unavoidably delayed.

As per the latest correspondence I hereby petition to revive this patent and provide the following for unavoidable abandonment as per (37 CFR 1.137(a)).

1. A small entity petition fee in the amount of \$250 has been included.
2. A reply for unavoidable abandonment has been supplied above and a fee has been included as requested. If the reply is sufficient to reinstate the processes and the fee is not required at this time, the fee can be applied to any future required payments.
3. Since this application was filed after June 8, 1995, no terminal disclaimer is required.

4. A showing of the cause for the unavoidable delay has been included above and a petition for 37 CFR 1.137(a) has been included.

In addition, as per the request for original election, I have also selected Group I for apparatus and have attached a revised patent application that deletes Group II items for method. Also attached is an amended claims section with the word "original" located after each claim number. If this is a requirement for this resubmission, please use this version. There were no claims added or changed. The only claims deleted were in relation to the removed method claims.

Thank you for your consideration and help in this matter. If any other information is required, please do not hesitate to contact me via e-mail at [bforsberg@mchsi.com](mailto:bforsberg@mchsi.com), [bruce.w.forsberg@usace.army.mil](mailto:bruce.w.forsberg@usace.army.mil), the address on file, or at 256-828-6711.

Respectfully submitted

A handwritten signature in black ink that reads "Bruce Forsberg". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Bruce Forsberg

**Version with markings to show changes made**

**CLAIMS**

What is claimed is:

1. (Original) An apparatus for trimming candle wicks comprising:
  - A means of vertically trimming a candle wick
  - A means of candle wick clipping removal from the immediate surroundings of the candle or container
  - A means to hold multiple candle wick clippings in the instrument
2. (Original) The apparatus of claim 1, wherein the instrument has a cutting devise and a backing pad upon which to produce a cutting or trim plane.
3. (Original) The apparatus of claim 1, wherein the instrument has a dual opposing cutting devise surface
4. (Original) The apparatus of claim 1, wherein the instrument has a scissor like action or reverse scissors like action.
5. (Original) The apparatus of claim 1, wherein the instrument has a loop type cutting tool.
6. (Original) The apparatus of claim 1, wherein the instrument has a tweezers like action.
7. (Original) The apparatus of claim 1, wherein the instrument has a pocket to hold the wick clipping or multiple wick clippings.
8. (Original) The apparatus of claim 1, wherein a means of suction is used to vacuum the wick clipping to a holding pocket so that more wicks can be trimmed prior to discard.
9. (Original) The apparatus of claim 1, wherein the instrument has a manual tilt ability to be able to move the NUB to the holding pocket by gravity for multiple NUB collection.
10. (Original) The apparatus of claim 1, wherein the unit is fabricated of metal, glass, ceramic, plastic, of other and combinations of these or like items.

11. (Original) The apparatus of claim 1, wherein the instrument has a length to trim the wick per candle manufacturers established distance above the cooled wax surface of the candle.

12. (Original) The apparatus of claim 1, wherein the instrument has an adjustable length to trim the wick to the operator preferred distance above the cooled wax surface of the candle.